

### REMARKS

With entry of this Amendment, claims 1 and 4-34 are pending. Applicant canceled claims 2 and 3 without prejudice or disclaimer of the subject matter of these claims. Applicant amended claim 1 to provide proper antecedent basis for claims 4 and 5, incorporate the elements of claims 2 and 3, and to make claim 1 a single sentence. Applicant amended claims 4 and 5 to depend on claim 1. Claim 6 is amended to provide proper antecedent basis for claims 7-11, to make claim 6 an independent claim, and to make claim 6 a single sentence. Claims 7-10 are amended to recite "a pharmaceutically acceptable salt thereof." Applicant amended claim 12 to correct the multiple dependent form of this claim. Applicant has also added claims 16-34, which are supported by the specification at page 34, line 25 to page 40, line 19 and page 42, line 19 to page 43, line 3. None of these amendments or new claims introduces new matter.

#### Rejection Under 35 U.S.C. § 102(b)

Claims 1, 2, 4, and 5 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by *Boigegrain et al.* (U.S. Patent 5,380,736). According to the Office, *Boigegrain* discloses a species that anticipates the pharmaceutical composition of claim 1. Office Action, page 2. The Office notes, however, that claim 3 is not included in this rejection because *Boigegrain* does not teach an R<sup>2</sup> group that is a substituted phenyl group. *Id.* at page 3.

Solely to facilitate prosecution and without prejudice or disclaimer, Applicant canceled claims 2 and 3 and amended claim 1 to incorporate the elements of claim 3. As the Office notes, claim 3 is not anticipated by *Boigegrain* and therefore this reference

does not anticipate amended claim 1 or dependent claims 4 and 5. Applicant respectfully requests that this rejection be withdrawn.

Rejection Under 35 U.S.C. § 112

The Office rejects claims 2-5 under 35 U.S.C. § 112, second paragraph, for allegedly lacking sufficient antecedent basis for the phrase “the pharmaceutical composition” because claim 1 recites “a platelet increasing agent.” Office Action, page 3.

Solely to facilitate prosecution and without acquiescing in the rejection, Applicant amended claim 1 to recite “a pharmaceutical composition,” as suggested by the Office. Applicant therefore requests that this rejection be withdrawn.

The Office rejects claims 7-10 under 35 U.S.C. § 112, second paragraph, for allegedly lacking sufficient antecedent basis for the phrase “the compound” because claim 6 recites “a 2-acylaminothiazole derivative.” *Id.*

Solely to facilitate prosecution and without acquiescing in the rejection, Applicant amended claim 6 to recite “a compound of formula (III).” Applicant therefore requests that this rejection be withdrawn.

Claim Objections

The Office objects to claims 1 and 6 for having multiple sentences and periods. *Id.* Solely to facilitate prosecution, Applicant has amended claims 1 and 6 to remove the additional periods and make each claim a single sentence. Because this amendment renders the Office’s objection moot, Applicant requests that the objection be withdrawn.

Claims 3 and 6-15 are objected to for being dependent on a rejected claim.

Office Action, page 4. Solely to facilitate prosecution, Applicant has amended claim 1 to incorporate the elements of claim 3. Claim 6 has been amended to independent form. Because these amendments render the Office's objection moot, Applicant requests that the objection be withdrawn.

The Office objects to claims 4, 5, and 12 for allegedly being in improper multiple dependent form. Office Action, page 4. Applicant addresses this objection with regard to claim 12 because amended claims 4 and 5 are no longer multiple dependent claims. Solely to facilitate prosecution, Applicant amended claim 12 to recite "any one of claims 6 to 11," as suggested by the Office. Because this amendment of claim 12 renders the Office's objection moot, Applicant requests that the objection be withdrawn.

Conclusions

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of pending claims 1 and 4-34.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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